

Brooks, Jennifer

From: Vajda, William [wvajda@HPTI.com]
Sent: Monday, November 28, 2005 10:24 AM
To: qrulepubliccomments
Subject: Submission of Comment - Control of Communicable Disease Proposed 42 CFR Parts 70 and 71

**Centers for Disease Control and Prevention
Division of Global Migration and Quarantine
ATTN: Q Rule Comments
1600 Clifton Road, NE, (E03)
Atlanta, GA, 30333**

November 28, 2005

Greetings, and to Whom It May Concern:

As a private citizen, I would like to express my concern for the proposed Rule Changes identified at SUBJECT. In doing so, I recognize the fundamental requirement to provide for our National Security, specifically including the health and well being of our citizens. However, in my view, the rule changes as proposed would go well beyond meeting this goal. I have reviewed the Regulations and Proposed Impacts, and believe my fundamental concern lies with some of the opening tenets of the analysis:

"The regulatory philosophy and principles given in Executive Order 12866, "Regulatory Planning and Review," include an analysis on the need for the proposed regulatory action. The need for the regulation is driven by a demonstrated market failure. An externality exists when one person's or party's actions impose uncompensated costs to other parties. By exposing fellow travelers to potential illness and possible death, an ill traveler imposes uncompensated costs on the fellow travelers, travel providers, and the individuals that they, in turn, might expose. Due to the national and international nature of travel and the transmission of communicable diseases, regulation at the Federal level is the most appropriate mechanism for protecting public health."

Our society and system of justice do not provide for the wholesale tracking of citizens based upon the presumption of guilt, or the potential that they will commit a crime. This constitutionally guaranteed right applies to speech, association, movement, and other personal pursuits. In the case of this proposed regulation, citizens right's of privacy and free movement will be impinged based upon the potential, real or perceived, that they represent an indeterminate health risk. I do not know of any other public health area where these same rules apply, even where specific risks are known. For Example, citizens infected with the AIDS virus do not need to report their movement, and presumably are not being tracked through domestic or international transportation systems today. Citizens with equally communicable, and presumably potentially deadly diseases (Tuberculosis, Polio, etc.) move freely through our systems today, and have not in the past triggered a requirement for rule changes as proposed in this update. To undertake the changes as proposed know, based upon analogous "presumption of guilt" requirements and with indeterminate oversight regarding collaboration with law enforcement, invites a high potential for abuse of innocent citizens, and undermines constitutional

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protections on rights to privacy.

It has been said that the "Road To Hell" is paved with best intentions. Presumably, this applies to air travel as well.

Respectfully,

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U.S. Citizen (concerned)
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